

***Andrew Kim– Development Agreement for
mixed-use commercial building***

Planning Advisory Committee
October 17, 2023

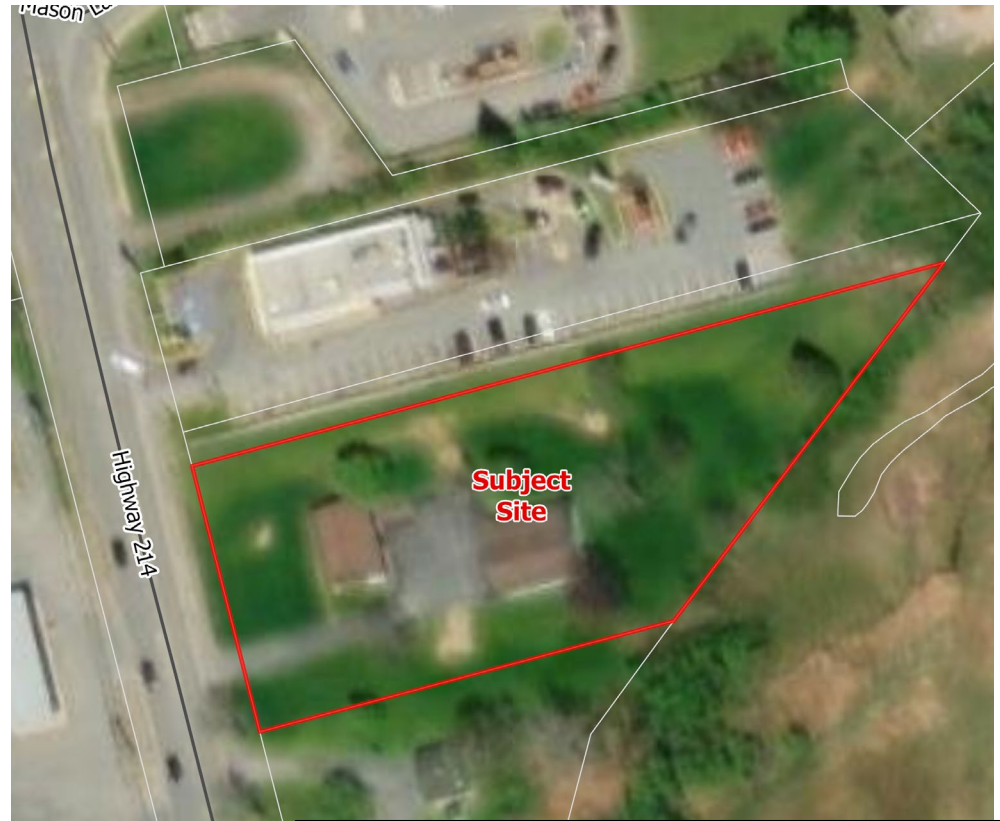
Planning & Development Department



EAST HANTS

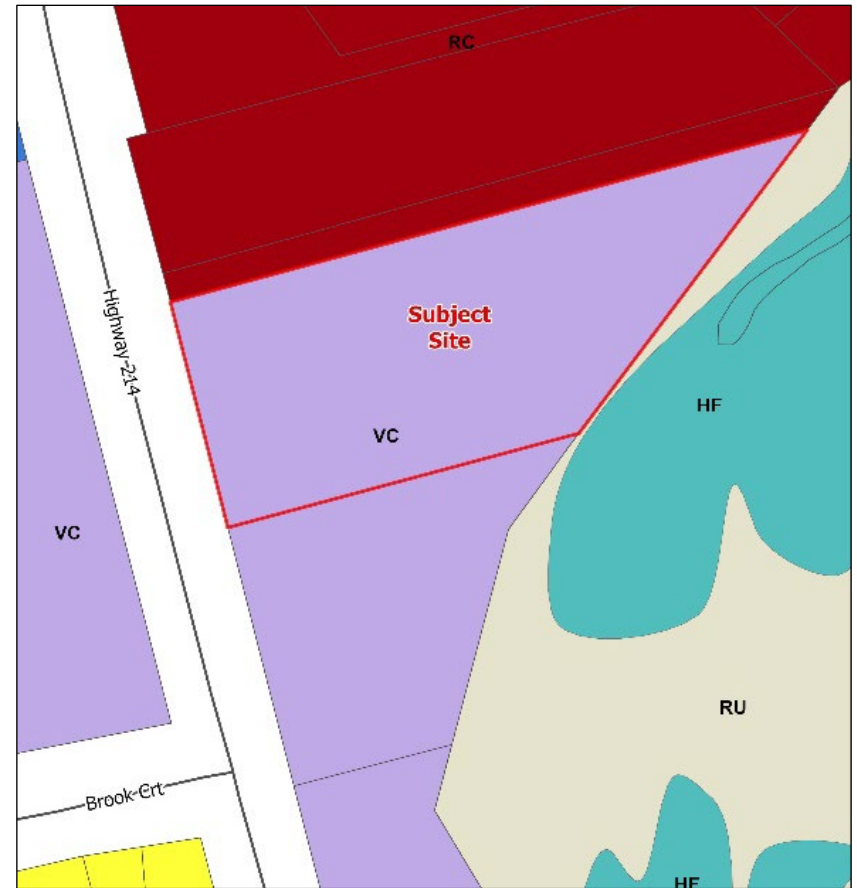
Subject Property

- The property is located at 251 Highway 214, Elmsdale.
- The existing building on the property has been removed.



Subject Property

- Property is zoned Village Core (VC).
- To the north of the property is a McDonalds restaurant and drive-thru and this is located in the Regional Commercial (RC) Zone.
- Opposite the site on Highway 214 is an Irving Oil property which has a gas station and an A&W restaurant and drive-thru. The Irving Oil property is zoned Village Core (VC).
- To the south of the application site is a residential property which has a dwelling and detached garage located on it.





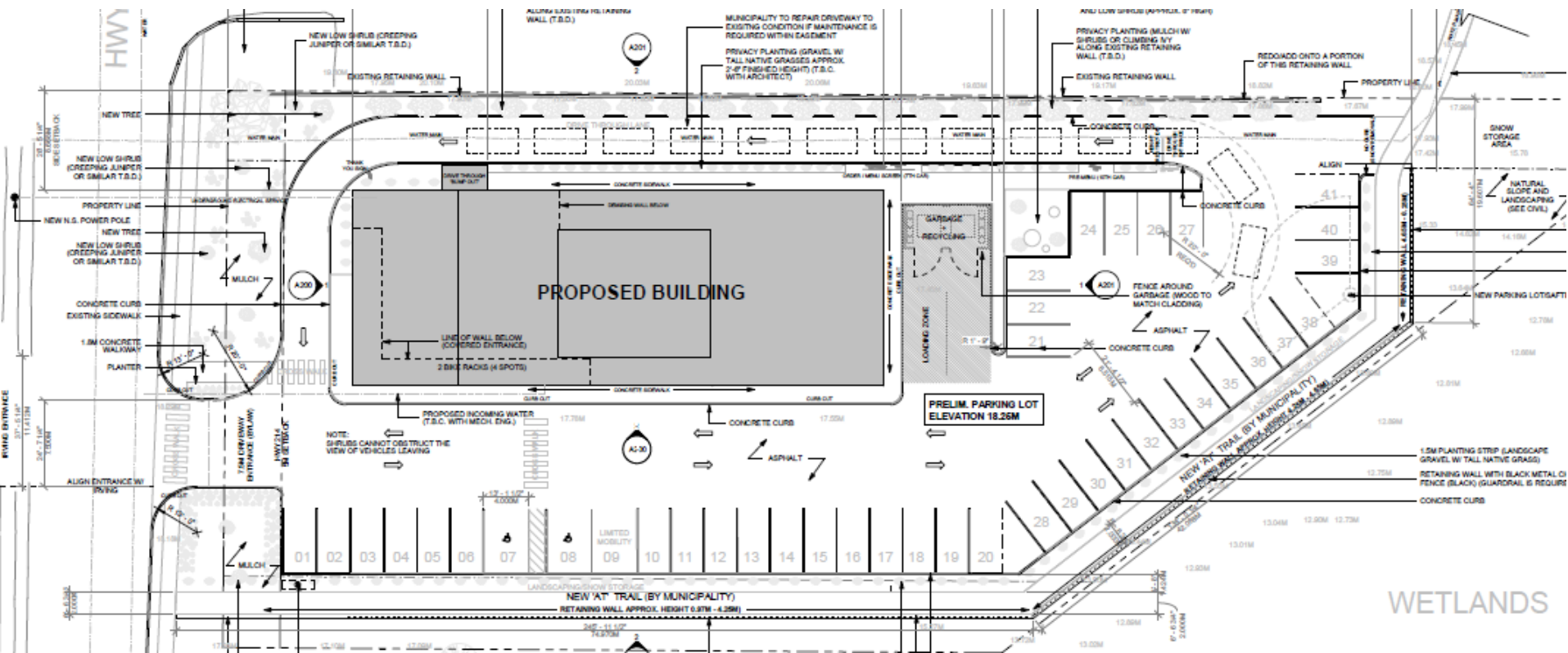
Development Proposal

- Proposal is for a multi-unit commercial building:
 - dental clinic proposed for the rear of the building. Dr. Kim owns and operates the existing Elmsdale Dental Clinic in the Sobeys mall.
 - coffee shop to the front with drive-thru along the side of the building.
- The proposed building is mostly single storey but there is a second floor for the dental office which will provide an area for staff room/kitchen, a meeting room and an outdoor patio.



Development Proposal

- There is an easement on the property over a municipal water main transmission. The site plan proposes the drive-thru driveway over the easement. The driveway is intended to be paved by the developer.



Development Proposal

- The proposed site plan is being presented following many discussions with municipal staff and the developer. The discussions were regarding the drive-thru driveway being constructed over the water main easement and the inclusion of an AT trail and easement along the southern edge of the property.
- The Municipal Engineer has reviewed the plans to put the drive-thru over the watermain that was installed in 2018.
- Staff have considered the significant community benefit from linking the AT network over this property. In balancing the two issues staff consider that the benefit from the AT linkage outweighs the future potential impact to the water main transmission. The final design of the site has been included in the development agreement.

Development Proposal

- The proposal also includes elements which do not meet the as-of-right requirements of the land use bylaw but policies in the MPS enable council to vary these requirements for this particular application. Staff have provided a full review of the design of the proposed development in the final staff report.
 - Two of the parking spaces are in the front yard of the property which is the area forward of the front elevation of the building to the front property boundary.
 - The applicant is proposing an internally illuminated ground sign with a height the same as the sign on the adjacent McDonalds property.
 - A black chain link fence is proposed above the retaining wall for safety of the AT Trail users. The Director of Parks, Recreation and Culture supports the use of a black chain link fence as it provides greater visibility than some of the other fencing types which are permitted in the Village Core.
- Planning staff consider the items being varied through this development agreement to be acceptable due to the location of the property, the site design of the surrounding uses and the significant community benefit from the inclusion of the AT Trail.

Policy Analysis - Active Transportation Trail

- The site plan identifies the location of the negotiated AT Trail. The draft development agreement enables an easement to be secured for the benefit of the municipality. The cost for the construction of the Trail and future maintenance will be the responsibility of the municipality.
- The cost of constructing the AT trail through 251 Hwy 214 is \$324,000 plus HST and this financial amount has been included in the draft DA. There is a significant grade change along the south side of the property which requires a substantial retaining wall to be built with a fence due to the height of the wall. Municipal staff have reviewed the cost breakdown and the developers estimate is in alignment with comparable projects.

Policy Analysis - NS Department of Public Works

- A Traffic Impact Study (TIS) has been prepared for the proposed development.
 - The TIS states that “the traffic study results show that the only required upgrades to the street network within the study area are focused on the intersection of Highway 214 and the Highway 102 southbound ramp. The analysis shows that the upgrades are warranted without adding site-generated traffic associated with the proposed commercial development and should not be the developer’s responsibility.
- Comments were sought from NSPW during the processing of this application. They confirmed that the traffic impact study has been reviewed and no additional comments were provided in response.

Policy Analysis - Financial Considerations

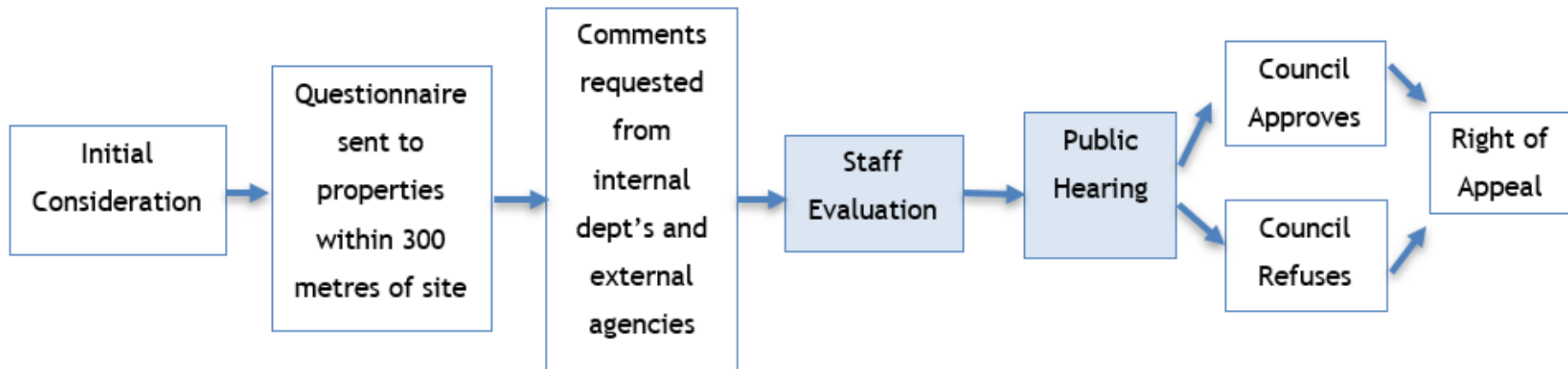
- The estimated value of the property once constructed is \$3.5 million and based on the Elmsdale Commercial Serviced Rate (2023) this could result in \$119,245 in annual tax revenue. However, construction value does not necessarily equal tax assessment value, so this estimate is subject to change based on PVSC's assessment determination.
- The development of the site includes the construction of a new section of AT Trail. The municipal contribution to construct the final connection of the AT Trail is \$324,000 plus HST.

Citizen Engagement

- A letter and questionnaire has been mailed to all property owners within 300m of the subject property asking for comments on the proposed development agreement amendment. 47 questionnaires were mailed out and 4 questionnaire responses have been returned. These responses have been scanned and provided to PAC for review. The comments include:
 - Concern regarding the increase in traffic;
 - Difficult to turn out of existing streets right now;
 - Request a stop light;
 - In favour of the dental office and trail;
 - New business should be located in the Business Park;
 - There are already 3 places within a small area that serve good coffee.

Conclusion

- Staff have completed the review of this application which includes seeking comments from external and internal departments. Through the development of this site the applicant is enabling the AT trail system to be connected. The development also proposes an expanded dental practice plus a new coffee shop.
- Staff are recommending approval of this development agreement application.
- Any decisions to approve or refuse the development agreement application is appealable to the Utility and Review Board.



Recommendation

That Council approve the application.

Recommended Motion

Planning Advisory Committee recommends to Council that Council:

- give final consideration and approve entering into a Development Agreement for a multi-premise commercial building at 251 Highway 214, Elmsdale;
- within one year of Council's approval.